THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETTIION No.10211 of 2002

Dated 06-07-2006

Between:

Sri Mallam Venkata Narayana, Dornakal, Warangal.

Petitioner.

And

The Sarpanch, Ammapallem Gramapanchayat, Ammapallem, Warangal District.

Respondents.

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETTIION No.10211 of 2002

ORDER:

When the matter came up for hearing on 5-7-2006, the learned counsel for the petitioner was absent and the matter was posted on

6-7-2006 under the caption "for dismissal". Today also, none appeared for the petitioner and no representation is made on his behalf.

Perused the affidavit filed by the learned counsel for the petitioner.

This writ petition is field by the petitioners under Article 226 of the Constitution of India seeking a direction more particularly one in the nature of a Writ of Mandamus declaring the action of the respondents in intending to demolish the part of the house bearing No.1-84, situated at Ammapalem Village, Dornakal Mandal, Warangal District without following due process of law as illegal and arbitrary.

It is well settled principle that unless there is encroachment of legal right of the petitioner, the question of invoking the jurisdiction under Article 226 does not

arise.

Even according to the allegations in the writ petition, the respondents are intending to demolish the part of the house. In the absence of any encroachment of legal right of the petitioner, the cause in this petition does not arise.

Hence, the writ petition is totally devoid of merits and is accordingly, dismissed. However, it is made clear that the interim stay granted by this Court on 16-7-2002 shall stand vacated.

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(K.C. BHANU, J)

Dated 6th July 2006
mrb